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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,166	01/25/2002	Masaki Aoki	28569.3937	3085

20322 7590 02/11/2004

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EXAMINER

LEE, WILSON

ART UNIT	PAPER NUMBER
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2821

DATE MAILED: 02/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/057,166	Applicant(s) AOKI ET AL.	
	Examiner Wilson Lee	Art Unit 2821	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,7,8,10-12,23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,7,8,10-12,23 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/5/02</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections – 35 U.S.C. 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 5, 7, 8, 10-12, 23 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Schmid et al. (5,985,067).

Regarding Claims 1, 5, 7, 8, 10, 12, Schmid discloses an electrically resistive spacer as an electrical resistor for CRT (See Col. 1, lines 35-37 and Col. 2, lines 60+ thru Col. 3, line +6) comprising a mixture of an insulating oxide (e.g. alumina or Al_2O_3), particles of electrically conductive material dispersed within the insulating oxide, the electrically conductive material being at least one of a metal conductive oxide (e.g. titanium oxide or TiO) and a transition metal material (e.g. titanium) to form the mixture.

Regarding Claim 11, Schmid discloses the electrical resistance being in the desired range of 10^5 to 10^{10} ohm-cm, which is about $1\text{G}\Omega$ (See Col. 6, lines 34-43). Conventional glass obtains 10^9 to 10^{14} ohm/square (See Col. 2, lines 26-29).

Regarding Claim 23, Schmid discloses that the mixture is an unbaked mixture since Schmid discloses that the method of making include other “unbaked” methods such as high reliability sealing frits or high temperature getter flash methods. Schmid

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also discloses that the spacer (the resistor) can be formed by a conventional method such as photo-patterning (See Col. 2, lines 4-20).

Regarding Claim 24, Schmid discloses that the mixture provides the electrical resistor with a positive coefficient of resistance value since Schmid discloses that the spacer having a thermal coefficient of expansion. It means that the length of the spacer expands corresponding to the temperature. Resistance rises when the length expands. In addition, Schmid (spacer) is made of the same material as claimed, therefore Schmid inherently obtains the same outcome.

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3. The information disclosure statement filed 8/2/02 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Therefore, the European search report (done by Colvin) and the abstract of the reference (EP 99117579.5) are not considered because applicant fails to submit the European search report, and provide the publication date of the abstract to fulfill the requirement.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Van De Poel et al. (6,084,343) discloses a display device comprising an anti-static, anti-reflection filter. Suzuki et al. (4,413,877) discloses a selectively light-transmitting laminated structure.

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Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.

Papers related to Technology Center 2800 applications may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (703) 872-9306.

A handwritten signature in black ink, appearing to read "Wilson Lee", is written over a horizontal line.

Wilson Lee
Primary Examiner
U.S. Patent & Trademark Office

WL
2/5/04